

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

Case No. 1

THE UNITED STATES OF AMERICA; et al

- vs -

AFAKI, Sadao; et al

ORDER

This matter coming on for hearing on this 31st day of January, 1947, upon the application of the defendant UMEZU, Yoshijiro for the ordering of facilities for interrogation of a witness; and it appearing to the Tribunal that heretofore and to wit on 11 September 1946 the defendant UMEZU made application to the Tribunal for the issuance of a subpoena for NAKASHIMA, Tetsuzō, which subpoena was ordered issued by the Tribunal on 16 September 1946, and was thereafter duly issued, and it further appearing that the military authorities in whose custody NAKASHIMA, Tetsuzō now is are not desirous of permitting his return to Japan to testify as a witness in this cause; and the defendant UMEZU having applied through his counsel for the granting of facilities for interrogation of the witness NAKASHIMA; it is therefore

ORDERED: That the subpoena heretofore issued for NAKASHIMA, Tetsuzō remain in full force and effect, but that further proceedings in accordance with it be held in abeyance; and it is further

ORDERED: That every facility and assistance be provided to counsel for the accused UMEZU, Yoshijiro, to submit written interrogatories to or to interrogate orally the witness NAKASHIMA, Tetsuzō at the place where he is now located and may be found or held.

Dated at Tokyo, Japan, this 31st January, 1947.

BY THE TRIBUNAL:

/s/

W. F. WEBB  
PRESIDENT